

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 05/07/03 Item 4.c.
C.C. 05/20/03 Item

File Number
PDC 03-010

Application Type
Planned Development Rezoning & Prezoning

Council District
8

Planning Area
Evergreen

Assessor's Parcel Number(s)
491-03-019; -163, -164

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: North side of Quimby Road, approximately 300 feet easterly of Quimby Road

Gross Acreage: 5.0

Net Acreage: 3.8

Net Density: 6.6 DU/AC

Existing Zoning: R-1-8 Residence & County

Existing Use: Church

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 25 single-family detached residences and a church

GENERAL PLAN

Completed by: JWB

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JWB

North: Single-family detached residential

R-1-8 Residence

East: Single-family detached residential

R-1-8 Residence

South: Single-family detached residential

R-1-8 Residence

West: Single-family detached residential

A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: JWB

☐ Environmental Impact Report

☐ Exempt

☒ Negative Declaration circulated on April 17, 2003 (to be adopted on May 6, 2003)

☐ Environmental Review Incomplete

FILE HISTORY

Completed by: JWB

Annexation Title: Amos No. 13 & Amos No. 33

Date: 09/12/66 & pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

OWNER

Sikh Gurdwara – San José
2785 Quimby Road
San José, CA 95148

APPLICANT

Braddock & Logan Group
4155 Blackhawk Plaza Circle, Suite 201
Danville, CA 94506

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: JWB**

Department of Public Works

See attached memorandum.

Other Departments and Agencies

None.

GENERAL CORRESPONDENCE

None.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Braddock & Logan, is requesting a Planned Development Rezoning and Prezoning from the R-1-8 Residence Zoning District and County to the A(PD) Planned Development Zoning District to allow twenty-five (25) single-family detached residences and the preservation of an existing church use on a 5.0 gross acre site.

The subject site is rectangular in shape with approximately 330 feet of frontage on Quimby Road and a depth of approximately 700 feet. The site is flat and comprised of three linear shaped parcels of which only the westerly most parcel is currently within the incorporated City limits. The site is currently developed with an existing church facility, which takes access off of Quimby Road. The site includes a converted 1940's era house as well as four (4) other non-residential structures. The existing church facility, owned by Sikh Gurdwara, will eventually be relocated to a larger facility under construction on Murillo Avenue near Quimby Road.

Single-family detached residences surround all sides of the site including across Quimby Road to the south.

Project Description

The proposed project consists of twenty-five (25) single-family detached units on individual lots averaging 3,550 square feet. The units will take access from a new public cul-de-sac street extension of Gilham Way.

There are two proposed unit types, one 3-bedroom and one 3-bedroom with loft or 4th bedroom option, each with an attached 2-car garage. The 3-bedroom unit is approximately 1,600 square feet and the 3 or 4-bedroom units are approximately 1,860 square feet. All units have two stories.

A portion of the existing church facility will remain on approximately 1.5 acres at the southwest corner of the site. Access to the church facility will remain off of Quimby Road, with no vehicular access from the new public street. The church will continue to provide the same type of services that are currently being offered. However, due to a reduction in size of the site and available parking, the intensity of activities will require limitations. Several of the structures and/or additions are existing without benefit of permit. The applicant is proposing to legitimize and retain these structures. The existing tent structure and the converted residential structures are proposed to be removed to accommodate the proposed houses.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in an Initial Study and a Mitigated Negative Declaration that was circulated on April 17, 2003. The Initial Study included a tree survey and a hazardous

materials report. Traffic issues were also addressed. The mitigation measures identified in the Negative Declaration have been incorporated into the project to reduce potentially significant impacts to a less than significant level.

Traffic

The existing site has traffic allocation for 25 new residential units pursuant to the Evergreen Development Policy (EDP). This previously established assessment district builds in adequate traffic mitigation to accommodate units with allocation. Under the EDP, credit is also given for existing residential units or other existing uses.

Trees

The existing site contains a total of seven trees, ranging in diameter from 4 inches to 31 inches. Five trees, three of which are Ordinance size, will be removed as part of the project. All trees are non-native. The trees that are to be removed will be replaced with new trees in accordance with City standards for replacement.

Hazardous Materials

A well destruction permit will be obtained from the Santa Clara Valley Water District for the elimination of an existing water well. An abandoned septic system is also present on site and shall be removed in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance. Demolition of various structures on site shall be surveyed for Asbestos Containing Material (ACM) and Lead Based Paint (LBP). If present, ACM and/or LBP shall be removed prior to demolition and properly disposed of by offsite burial at a permitted facility.

Historic Resources

The project includes the removal of a house that was constructed in 1945. This small one-story structure has been determined to not have any historical significance. The other structures are newer than the house and are also deemed to not have any historical significance.

GENERAL PLAN CONFORMANCE

Although the average lot size is only 3,550 square feet, the proposed project has a net density of 6.6 DU/AC because the density calculation, as allowed, includes the land proposed for the church. This density is consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).

The proposed project furthers one of the General Plan's Major Strategies by providing housing opportunities on infill property that is easily served by existing City services.

It should be noted that based on the General Plan designation of Medium Low Density Residential (8 DU/AC), if the church use were to be discontinued in the future, the remaining property could potentially be further subdivided to allow approximately five (5) additional residential units beyond that which is currently proposed. These lots, on average, would most likely be considerably larger than those proposed as part of this subject project. Such a subsequent residential subdivision expansion would require a subsequent Planned Development Rezoning. Since there is no more EDP traffic allocation for the site, the proposal would require the identification of a traffic solution and inclusion of the appropriate related mitigation.

ANALYSIS

The primary issues discussed include 1) consistency with the *Residential Design Guidelines* (RDGs), 2) compatibility with surrounding uses, and 3) church use and related operational issues.

Consistency with *Residential Design Guidelines*

The proposed project is in conformance with the development standards recommended in the *Residential*

Design Guidelines for single-family detached houses with respect to site design, setbacks, height/stories, parking, private open space, garage frontage/placement, and architecture.

Site Design: The project has a traditional layout with single-family detached units fronting onto a new public street. The project takes advantage of the existing stub street on the north side of the project street by extending this into the project site. This design helps the new development appropriately integrate with the existing community and helps avoid the creation of an isolated enclave. The existing church structures to be retained, creates a site design constraint with respect to the project access from Quimby Road. Due to the bend in the Quimby Road right-of-way and the location of Burdick Way, an intersecting cross street, safe vehicular access cannot be provided directly into the new residential development in accordance with City standards. Consequently, the new project street will terminate as a cul-de-sac. The street will be visually open and pedestrian access to the project from Quimby Road will be provided.

Setbacks and Height/Stories: The proposed setbacks and height/stories are consistent with the RDGs for 3,000 to 4,000 square foot lot single family detached houses. Larger setbacks will be provided around the perimeter of the site adjacent to existing houses.

Parking: The RDGs recommend that two covered spaces and one additional off-lot parking space within 150 feet of each unit be provided. This project will provide the recommended two covered spaces in garages with more than ample off-lot or street parking spaces. Each unit will also have two parking spaces on the driveway apron.

Private Open Space: The RDGs recommend that each unit be provided with a minimum of 500 square feet of private open space. For project with more than 20 units, an additional 150 square feet per unit should be provided unless common open space is provided. This project provides a minimum of 660 square feet of private open space per unit thus avoiding the requirement to provide common open space on the project site.

Architecture: This project consists of two-story units with a height of approximately 26 feet. The unit type and general style of the proposed structures are compatible with existing development in the neighborhood. As is typical for a Planned Development Rezoning, the architecture that is shown is considered “conceptual” and will undergo further review by staff at the Planned Development Permit stage. Second-story massing and other aspects of the architectural treatment may be subject to further review, in order to avoid a boxy or monotonous appearance. Building materials, roofing, colors, and other details will also be selected for their compatibility with the neighborhood development pattern.

Compatibility with Surrounding Uses

The existing neighborhood consists of one and two-story single-family detached residences built in the mid-1980s and early 1990s. The neighboring lots range in size from approximately 4,000 square feet to 6,700 square feet.

The proposed residential development will continue the existing development pattern of single-family detached residences on individual lots facing traditional public streets. This development will have two-story units with adequate setbacks from existing adjacent properties on all sides (20 feet minimum to living space).

This particular development proposes two-story units, 25 to 26-feet tall with 20-foot setbacks where adjacent to existing single-family rear yards. As is typical at the Planned Development Permit stage, second floor windows will be sized and placed to provide a reasonable level of privacy for adjacent units. Landscaping for screening purposes can also be required.

Site upgrades for the church site will be required to ensure compatibility with the proposed residential units. No

architectural upgrades are currently proposed as part of the church project, however, this may be re-evaluated and required at the Planned Development Permit stage. The church will retain access from Quimby Road only to prevent traffic and overflow parking into the new residential area. The applicant is proposing a good-neighbor fence to enclose the church property. The fence would be located at least five feet from the back of the proposed sidewalk. The area between the back of sidewalk and the fence will contain landscaping that is to be maintained by the existing church. Staff intends to carefully evaluate the fence proposal at the Planned Development Permit stage. The walling-off of facilities such as this along minor streets, such as proposed is generally contrary to the intent of the Residential Design Guidelines.

Church use and related operational issues

The existing user, Sikh Gurdwara, has indicated a potential desire to demolish the existing structures to accommodate additional residential development beyond that which is proposed with this rezoning. They have indicated that the subject use will continue until their new facility on Murillo Avenue is completed. This rezoning does not specifically provide for a residential alternative of any intensity for the identified church site. Instead, it presumes the continued use of the existing buildings as a religious assembly facility for either the present user or for use by a different user.

Since the existing church site will be substantially modified in size, substantial conformance to the intent of the City's Church Location Policy is expected in order to minimize the impacts to existing and proposed surrounding uses.

The existing church does not have an approved Conditional Use Permit. A Site Development Permit (File No. H91-024) was approved in May of 1991 for a 3,600 square foot freestanding open canopy addition at the rear of the existing church building and parking and landscaping improvements. A Building Permit was issued for the open canopy, however it appears that the canopy was not built and was substituted with enclosed building (see attached aerial photograph/diagram that describes status of church structures). The associated approved parking and landscaping improvements were never constructed. Further, there are two additional canopies attached to the front building and a freestanding tent structure that were built without permits.

Staff is recommending that development standards and conditions, consistent with the approvals for other religious assembly facilities, be imposed on this project. These include appropriate 25-foot setbacks for new buildings pursuant to the City's Church Location Policy. This would apply to structures for which legalization may be requested. Additionally all parking areas should provide 25-foot front setbacks and 10- foot setback on interior sides.

At any given time the church will be limited to a maximum occupancy equal to four times (4x) the number of permitted parking spaces. The specific number will be memorialized as part of the subsequent Planned Development Permit upon a thorough review of the final parking and landscape design improvements. The parking layout and design shall be consistent with the City's conventional parking design standards. No overflow parking in the surrounding neighborhoods would be allowed. The church facility will be limited to providing existing operations that do not occur during weekday AM and PM peak hours to ensure no new traffic impacts.

It is expected that all currently non-permitted structures be removed prior to the issuance of any Planned Development Permits for the property. Alternatively, the consideration of legitimizing existing non-permitted structures can be considered at the Planned Development Permit stage if such structures are appropriately modified and comply with all of the development standards in this Planned Development Zoning.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the subject rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The project furthers the City's in-fill housing strategy.
3. The project is consistent with the *Residential Design Guidelines*.
4. The project is compatible with existing uses on adjacent sites.
5. The project is consistent with the Evergreen Development Policy.
6. The project, as conditioned, is consistent with the Church Location Policy.